

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

DAVID L. WEIK,

Plaintiff,

vs.

JIM ASBY, ET AL, individually; AND  
TERESA POSIO, individually; AND,  
T&J WOOD PRODUCTS LLC; AND,  
RYDEL PETERSON, individually;  
AND, DOES I-X; JANE DOES I-X;;  
JOHN DOES I-X; CORPORATION I-  
X; XYZ PARTNERSHIPS I-X,

Defendants.

CV 24-106-M-KLD

ORDER

On October 30, 2024, the Court inadvertently entered an order granting Defendants' Second Motion to Dismiss the Amended Complaint (Doc. 19) before the deadline for Plaintiff David Weik to file his response had passed. (Doc. 23). Rule 7.1(d)(1)(D) of the Local Rules of Procedure for the District of Montana provides that "[a] motion is deemed ripe for ruling at the close of the time for response." Plaintiff filed a brief in response to Defendants' Second Motion to Dismiss on October 31, 2024. (Doc. 25). The Court has reviewed and considered the arguments presented in Plaintiff's response brief and finds no basis to reconsider the October 30, 2024, Order granting Defendants' motion to dismiss.

For purposes of correcting the record,

IT IS ORDERED that the Order and Judgment entered on October 30, 2024 (Docs. 23 and 24) are hereby withdrawn and reissued contemporaneously with this Order.

DATED this 1st day of November, 2024.



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Kathleen L. DeSoto  
United States Magistrate Judge